

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WAI CHIU MAH,

Petitioner,

v.

JANET RENO, US ATTORNEY GENERAL,

Respondent.

:
:
: CIVIL ACTION NOS.: 1:CV-00-131
:
: 1:CV-00-199
:
: (JUDGE KANE)
:
:
:

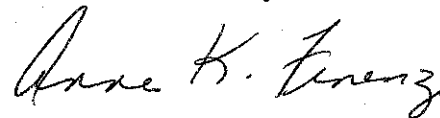
FILED
HARRISBURG, PA

MAY 25 2000

MARY E. DANDREA, CLERK
Per 
Deputy Clerk

EXHIBITS TO LIMITED RESPONSE TO THE PETITION FOR WRIT OF HABEAS
CORPUS AND MOTION FOR ENLARGEMENT OF TIME

DAVID M. BARASCH
United States Attorney



ANNE K. FIORENZA
Assistant U.S. Attorney
228 Walnut Street
Post Office Box 11754
Harrisburg, PA 17108
(717) 221-4482

Dated: May 24, 2000

TAB - 1

U.S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: A13 930 516

In the Matter of:

Respondent: Wai Chiu MAH AKA: Wai Chui Mah, Wai Chiu Chiu, Tony Mah, Walchulu Mah
INMATE# 37808-054 PRD:03/18/98
FCI ALLENWOOD P.O. BOX 2500 PA 17887 (717) 547-1954
WHITE DEER, (Number, street, city, state and ZIP code) (Area code and phone number)

- ☐ 1. You are an arriving alien.
☐ 2. You are an alien present in the United States who has not been admitted or paroled.
☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

SEE CONTINUATION PAGE FOR ADDITIONAL ALLEGATIONS.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

SEE CONTINUATION PAGE FOR ADDITIONAL CHARGES.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
IMMIGRATION COURT, 1600 CALLOWHILL STREET, ROOM 400, PHILADELPHIA, PA 19106

on TO BE SET at to show why you should not be removed from the United States based on the
(Date) (Time)
charge(s) set forth above.

KATHRYN A. JENNY IHP DIRECTOR
(Signature and Title of Issuing Officer)

Date: JUN 03 1997

ALLENWOOD, PA
(City and State)

See reverse for important information

reverse for important information

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 C.F.R. 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

(Signature of Respondent)

Before:

MATTHEW C. MOYNIHAN AGENT

(Signature and Title of INS Officer)

Date: _____

Certificate of Service

This Notice to Appear was served on the respondent by me on JUN 03 1997, in the following manner and in compliance with section 239(a)(1)(F) of the Act: (Date)

☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail

☒ Attached is a list of organizations and attorneys which provide free legal services.

☒ The alien was provided oral notice in the English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

W.C. MA
(Signature of Respondent if Personally Served)

MATTHEW C. MOYNIHAN AGENT
(Signature and Title of Officer)

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form I-862

Alien's Name Wai Chiu MAH AKA: Wai Chui Mah, Wai Chiu Chiu, Tony Mah, Walchulu Mah

File Number
A13 930 516

Date

JUN 03 1997

The Service Alleges that you:

You are not a citizen or national of the United States;

You are a native of China and a citizen of China;

You entered the United States at or near Honolulu, Hawaii on or about March 6, 1965 as a Parolee;

On July 25, 1966 your status was adjusted to that of a Lawful Permanent Resident pursuant to Section 245 of the Immigration and Nationality Act.

You were, on February 27, 1976, convicted in the Supreme Court of the State of New York, at the County of Kings, for the offense of Manslaughter 1 degree, in violation of Section 125.20 of the New York State Penal Law.

You were, on March 29, 1996, convicted in the United States District Court, at the Southern District of New York, for the offense of Conspiracy to transport and possess firearms by convicted felon, in violation of Title 18, United States Code, Section 371.

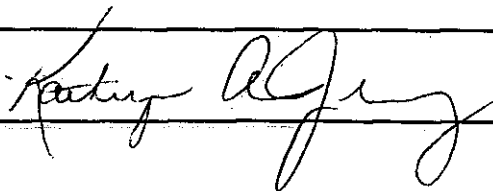
On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision of law:

Section 237(a)(2)(C) of the of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted under any law of purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying in violation of any law, any weapon, part or accessory which is a firearm or destructive device (as defined in section 921(a) of Title 18, United States Code).

Section 237(a)(2)(A)(iii) of the of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in section 101(a)(43) of the Act, to wit: a crime of violence (as defined in section 16 of title 18, United States Code, not including a purely political offense), for which a term of imprisonment imposed was for 1 year or more.

Section 237(a)(2)(A)(ii) of the of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of two crimes involving moral turpitude not arising out of a single scheme of criminal misconduct.

Signature



Title

KATHRYN A. JENNY IHP DIRECTOR

of 1

Pages

OCT-28-1997 11:36

INS DISTRICT COUNSEL

215 656 7148 P.02/03

U.S. Department of Justice
Immigration and Naturalization Service

Additional Charges of Inadmissibility/Deportability

In: ☒ Removal proceedings under section 240 of the Immigration and Nationality Act

☐ Deportation proceedings commenced prior to April 1, 1997 under former section 242 of the Immigration and Nationality Act

In the Matter of:

Alien/Respondent: Wai Chiu MAH. AKA: Wai Chui Mah; Wai Chiu Chiu; Tony Mah; Walchulu Mah

File No: A 13 930 516 Address: FCI Allenwood, P.O. Box 2500, White Deer, PA 17887

There is/are hereby lodged against you the additional charge(s) that you are subject to being taken into custody and deported or removed from the United States pursuant to the following provision(s) of law:

In support of the additional charge(s) there is submitted the following factual allegation(s) ☐ in addition to ☒ in lieu of those set forth in the original charging document:

5. You were, on April 8, 1976, convicted in the Supreme Court of the State of New York, County of Kings, for the offense of Manslaughter in the First Degree, in violation of Section 125.20 of the New York State Penal Law.

Dated: October 29, 1997

Geraldine Korusan
(Signature of Service Counsel)

TAB - 2

IMMIGRATION COURT
1600 CALLOWHILL ST. SUITE 400
PHILADELPHIA, PA 19130

In the Matter of

Case A13-930-516

*S-MAH, WAI CHIU. (03/1998)
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Feb 25, 1998.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to *People's Republic of China*
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to alternative to
- ☐ Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to
- ☐ Respondent's application for asylum was () granted () denied () withdrawn.
- ☐ Respondent's application for withholding of removal was () granted () denied () withdrawn.
- ☐ Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.
- ☐ Respondent's application for cancellation of removal was () granted under section 240A(b)(1) () granted under section 240A(b)(2) () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's application for a waiver under section _____ of the INA was () granted () denied () withdrawn or () other.
- ☐ Respondent's application for adjustment of status under section _____ of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's status was rescinded under section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper notice.
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.
- ☐ Other: _____

Date: Feb 25, 1998

Appeal: ~~Withdrawn~~ Appeal Due By:

3/27/98

Donald V. Ferlise
DONALD V. FERLISE
Immigration Judge

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
Philadelphia, Pennsylvania

File No: A 13 930 516

February 25, 1998

In the Matter of

WAI CHIU MAH

Respondent

IN REMOVAL PROCEEDINGS

CHARGES:

APPLICATIONS:

ON BEHALF OF RESPONDENT:

Stephen D. Converse, Esq.

ON BEHALF OF SERVICE:

Michelle McDonnell, Esq.

ORAL DECISION OF THE IMMIGRATION JUDGE

The Respondent is a 43 year old native and citizen of China, who entered the United States through Honolulu, Hawaii March 6th, 1965 as a parolee. He became a permanent resident of this country, adjusting status in 1966. The Respondent was on April the 8th, 1976, convicted in the Supreme Court of New York for the offense of manslaughter in the first degree. He was also convicted on March 29th, 1996, in the United States District Court in New York for the offense of conspiracy to transport and possess firearms. The previous Judge, Judge DiBernardis, found that the Respondent was deportable under

NV

Section 237(a)(2)(C) of the Act. The Court states for the record that Judge DiBernardis is not available for today's hearing. The Court has familiarized itself with the record and has assumed jurisdiction. The Respondent initially denied that he was an aggravated felon under Section 237(a)(2)(A)(iii). He has changed his plea today, and admitted being an aggravated felon, and the Government has withdrawn the charge of two crimes involving moral turpitude. The Respondent wishes to apply for Section 212(c) relief. Statutorily, he is ineligible for that relief, even if this were under prior law. If an Order to Show Cause had been issued in this case, if it were prior to April of 1997, he would have been nonetheless ineligible for any relief under Section 212(c) under Matter of Soriano. The Respondent is not eligible for any other relief, insofar as he has been sentenced to more than five years, based on a conviction for an aggravated felony. Accordingly, the following order will be entered:

ORDER

IT IS ORDERED, that the Respondent be removed from the United States.

DONALD VINCENT FERLISE
Immigration Judge

CERTIFICATE PAGE

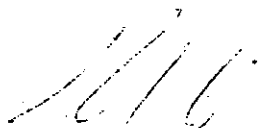
I hereby certify that the attached proceeding before
DONALD VINCENT FERLISE
in the matter of:

WAI CHIU M^H

A 13 930 516

Philadelphia, Pennsylvania

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.



(Nancy Vizer, Transcriber)

Deposition Services, Inc.
6245 Executive Boulevard
Rockville, Maryland 20852
(301) 881-3344

May 12, 1998
(Completion Date)

TAB - 3



U.S. Department of Justice

Executive Office for Immigration Review
Board of Immigration Appeals
Office of the Clerk

P.O. Box 8530
5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

Coven, Jules E., Esquire
505 Fifth Avenue, 15th Floor,
New York, NY 10017

Office of the District Counsel/PH
1600 Callowhill St., Room 530
Philadelphia, PA 19130

January 15, 1999

MAH, WAI CHIU (03/1998)
A#: 13-930-516

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Very Truly Yours,

Paul W. Schmidt,
Chairman

A handwritten signature in dark ink that reads "Paul W. Schmidt".

Enclosure

Panel Members:

GUENDELSBERGER, JOHN
HOLMES, DAVID B.
JONES, PHILEMINA M.

RECEIVED
DEPT. OF JUSTICE
99 JAN 21 AM 9:23
JIM. D. KATZ, SERVICE
LITIGATION SECT.-PH

U.S. Department of Justice
Executive Office for Immigration Review

Decision Board of Immigration Appeals

Falls Church, Virginia 22041

File: A13 930 516 - Whitedeer

Date: **JAN 15 1999**

In re: WAI CHIU MAH a.k.a. Wai Chui Mah a.k.a. Wai Chiu Chiu
a.k.a. Tony Mah a.k.a. Walchulu Mah

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Jules E. Coven, Esquire
Lebenkoff & Coven
505 Fifth Avenue, 15th Floor
New York, New York 10017

CHARGE:

- Notice: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony
- Sec. 237(a)(2)(C), I&N I&N Act [8 U.S.C. § 1227(a)(2)(C)] -
Convicted of firearms or destructive device violation
- Sec. 237(a)(2)(A)(ii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(ii)] -
Convicted of two or more crimes involving moral turpitude¹

APPLICATION: Termination of proceedings; voluntary departure

ORDER:

PER CURIAM. In a decision dated February 25, 1998, an Immigration Judge found the respondent ineligible for relief under section 212(c) of the Immigration and Nationality Act, 8 U.S.C. § 1182(c), as an alien convicted of an aggravated felony, and ordered the respondent removed. The respondent appealed. The appeal is dismissed. The respondent's request for oral argument is denied. 8 C.F.R. § 3.1(e).

¹ The record reflects that the Immigration and Naturalization Service withdrew this charge of removability (Tr. at 24; I.J. at 2). Therefore, we find no need to address the respondent's contentions that he was not convicted of a crime involving moral turpitude.

A13 930 516

On appeal, the respondent contends that his previous attorney improperly conceded that the respondent was convicted of an aggravated felony. The record reflects that the respondent's former counsel admitted that the respondent's manslaughter conviction was for an aggravated felony (Tr. at 24). Therefore, it is prima facie regarded as authorized by the respondent. Matter of Velasquez, 19 I&N Dec. 377 (BIA 1986). While the respondent claims that such concessions were "improperly made" (Respondent's Brief at 2), we note that the respondent's appellate contentions are insufficient to meet the requirements set for in Matter of Lozada, 19 I&N Dec. 637 (BIA 1988), aff'd, 857 F.2d 10 (1st Cir. 1988), to establish a claim of ineffective assistance of counsel.

The respondent also contends that the Immigration Judge erred in finding that the respondent was convicted of an aggravated felony. We find that in light of the concessions made by the respondent's former counsel that the respondent had been convicted of an aggravated felony, to wit: a crime of violence for which a term of imprisonment imposed was more than 5 years, the record supports the Immigration Judge's determination that the respondent is removable as charged. (Tr. at 24; Exh. 2). See also section 101(a)(43)(F) of the Act, 8 U.S.C. § 1101(a)(43)(F) (requiring only a term of imprisonment of 1 year). Therefore, we find that the respondent's conviction renders him statutorily ineligible for cancellation of removal under section 240A(a) of the Act, 8 U.S.C. § 1229b(a). See section 240A(a)(3) of the Act. Although the respondent argues that the retroactive effect of the law is unconstitutional, we have no jurisdiction to rule on the constitutionality of laws enacted by Congress. Matter of Fuentes-Campos, Interim Decision 3318 (BIA 1997); Matter of C-, 20 I&N Dec. 529 (BIA 1992).

The respondent further challenges the Immigration Judge's determination that he is ineligible for relief under section 212(c) of the Act. We note that a waiver of inadmissibility under section 212(c) of the Act is not a form of relief that is available in removal proceedings. See section 304(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009. Therefore, we do not need to address further the respondent's arguments regarding section 212(c) relief.

We also find no merit in the respondent's appellate contentions that the "substitution of Judge DiBernadis . . . with Judge Ferlise" was "in error as a matter of law" (Respondent's Brief at 2). We find no evidence in the statute or the regulations which preclude the substitution of Immigration Judges within the Immigration Court. See 8 C.F.R. § 3.14. Accordingly, the appeal is dismissed.


 FOR THE BOARD

TAB - 4

POST ORDER CUSTODIAN REVIEW WORKSHEET FOR FILE REVIEW AND/OR INTERVIEW

Detainee Name: MAH, Wai Chiu

Date of Birth: 11/12/54 **"A" Number:** 13 930 516

AKA's: Wah Chui MAH
Wai Chio MAH
Tony MAH

BOP Number: 37808-054

Country of Birth: China

Citizenship: China

Date of Arrival: 3/6/65

Place of Arrival: Honolulu, Hawaii

Manner of Arrival: Parole

Last Date into INS Custody: 3/18/98

Entered INS Custody from:

☒

☐

Local, State, or Federal Institution
Other

Location: FCI Allenwood

Institution Number: 37808-054

Immigration History: (Prior INS arrest[s]/parole/bond/custody information)

Describe: 07/25/66-Adjusted LPR
06/03/97-NTA issued
03/27/98-IJ Order of Removal
01/15/99-Appeal dismissed
09/24/99-Presentation to Consulate

Deportation Officer: John C. Crosson

Date of Review: 05/01/00

Location Detained: Snyder County Prison

Deportation/Exclusion/Removal Proceedings

List all Charges:

<input checked="" type="checkbox"/>	Section 237 (a)(2)(A)(ii)	, 237(a)(2)(C), 237(a)(2)(A)(ii)
<input type="checkbox"/>	Section 212 (a) ,	
<input type="checkbox"/>	Section 241	

☒ Under Final Order dated: 01/15/99 by ☐ IJ ☒ BIA ☐ Other

☒ Appeal Waived/Appeal Time Elapsed

Travel Document Status/History:

08/24/99-Presentation to China Consulate by Philadelphia District - A. James
12/20/99-Travel Document Application completed and sent to Consulate
03/30/00-Consulate called; not ready to issue.

Legal Representative / AttorneyG-28 Filed: ☒ Yes ☐ NoNotification of Interview Made: ☐ Yes ☒ N/A by: on:

Name of Representative / Attorney:

Mailing Address:

Telephone Number:

Present during interview: ☐ Yes ☒ No Alien states not being represented at this time**Criminal History**

Outside the United States: Claims None.
 (specify nature of crime, whether convicted, sentence imposed, date, and country)

In the United States: YES

NCIC Checks: ☒ Criminal History Attached ☐ No record Found
 (State and Federal)

Summary of NCIC Checks: FBI NCIC

07/24/74	Deportation Proceedings	Buffalo INS
08/08/95	Conspiracy; Convicted Felon W/ Firearm	ATF
	Convicted 09/19/99	
	Conspiracy to possess and transport firearm by convicted felon	
	New York State NCIC	
09/06/72	Possession of Firearm; Willful Defacement of Machine Gun	
	Convicted, Sentenced 4 Years Max.	
01/24/74	Murder W/ Intent; Possession of a loaded firearm	
	Convicted Manslaughter Sentenced 5-15 Years.	
	Paroled 01/31/79 11Years 11 Months	

Institutional / Disciplinary Record

Did the detainee have prior Disciplinary Reports? ☐ Yes ☒ No

If Yes, List & Describe:

Source:

Disciplinary reports and Incidents while in INS Custody? ☐ Yes ☒ No

If Yes, List & Describe:

Specifics of Interview

Date of File Review: 05/01/00

Date of Detainee Interview: 05/01/00

Location of Interview: Snyder County Prison

Interviewing Officer:#1: John C. Crosson

#2: (optional)

Interpreter Used: ☐ Yes ☒ No Name:
Language/Dialect:

Does the detainee have a place to live in the United States? ☒ Yes ☐ No

Address: 88 Elizabeth St. Apt.17
New York, NY 10013 - With Shill Ling Lee (wife)

Is the detainee subject to any parole or probation requirements? ☒ Yes ☒ No

Describe: 3 years-supervised release; 3/18/98 which expires 3/18/2001

Does the detainee have close family ties within the United States? ☒ Yes ☐ No

Wife, Children: Sean C. Mah, 13

#1) Describe: Desiree N. Mah, 16 See Notes

Does the detainee have any community ties or non-governmental sponsors?

☐ Yes ☒ No

Describe:

Does the detainee have any employment prospects? ☒ Yes ☐ No

Describe: Page-A-Ride
27-02 43rd Ave. > Limo Driver
Long Island City, NY 11101

What is the detainee's employment history?

Describe: Chef - Restaurant / Stake House
Country Club

What is the detainee's educational level?

Describe: High School Diploma - GED

Does the detainee have any vocational training?

Describe: None.

Medical/Psychological Concerns

Medical/Psychological Report / Summary: ☐ Attached ☒ None ☐ Not Available

Date and Source:

Other documentary evidence for consideration in this review:

Snyder County Prison file
Letters of support – Family and Friends
BOP record

Discussion at Interview

Notes:

Regarding entry information

Subject states he entered at Honolulu, Hawaii on 03/06/65 as a parolee.

Regarding his family ties

Subject states he is married to Shill Ling Lee and they have two children from that union, Sean C. MAH age 13 and Desiree N. MAH age 16. Subject states that his relationship with his wife is good, and if released he would reside with her and their children. Subject states he wishes to be a part of his children's life and be a good father to them. He states he has strong family support.

Regarding employment and education

Subject states that he completed his GED while in prison.

Regarding his criminal history in the US,

Subject freely admitted to his criminal past. He did not try to hide his involvement or lay blame on others. Subject stated that he is remorseful for his actions that have hurt so many people, victims, his family and himself.

Regarding his institutional record

Subject has a clear institutional record and stated that he has worked hard to stay out of trouble while in custody in hopes that it would reflect positively on his possible release.

Regarding community support and sponsors

Subject states he has a job offer as a limo driver for Page-A-Ride (see attached support letter).

Regarding him being a threat to the community or flight risk

Subject states that he does not wish to return to his past criminal activity because he does not wish to waste any more of his life in prison. He does not wish to lose any more time with his family. He states he has matured in prison and wants to have a chance to do the right thing for his future.

The INS detainee was found ☒ CREDIBLE ☐ NOT CREDIBLE

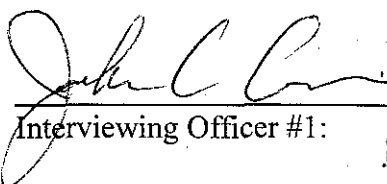
Explain:

Subject alien was direct in his responses. He maintained good eye contact and was not evasive in his explanations. Subject alien freely admitted to his criminal history and expressed remorse for his actions.

Officer Comments/Analysis & Recommendation

This subject alien has been in service custody since March of 1998 without incident. He is a hard worker and always ready to help officers and other inmates alike. It appears that this subject has come to terms with his criminal activity and has realized to effect that conduct has on the lives of all involved. He has stated his wish to be with his family and help raise his children. It appears from his actions and statements that this subject alien would not return to his criminal activities, therefore he would not be a threat to society. He states he would present himself for deportation, therefore not a flight risk.

Based on the above I recommend release at this time.

 **JOHN C. CROSSON**
Interviewing Officer #1: **Deportation Officer**
U.S. INS ALLENWOOD

5/15/00
Date:

Detain (Release)

Interviewing Officer #2:
(optional)

Reviewed by:

 Date: Detain (Release)

3/17/00
Date:

Concur (Do Not Concur)

DISTRICT DIRECTOR'S CUSTODY DETERMINATION

- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION
- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION UNDER BOND
- Bond Amount: _____
- ☐ CONTINUE IN CUSTODY / SCHEDULE FOR REVIEW IN SIX MONTHS

Comments (attach additional sheet(s) if necessary):

INS District Office: _____

Signature of District Director: _____

Date: _____

HEADQUARTER'S REVIEW OF CONTINUED DETENTION

Reviewing Officers	Concur	Reconsider	Date
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____

For comments, please refer to the "Headquarters Post Order Custody Review" form.